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### **KOERNER & OLENDER, P.C.**

Attornevs at Law 5809 Nicholson Lane, Suite 124 North Bethesda, Maryland 20852-5706

DEC 21 2000

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Tel. (301) 468-3336 Fax (301) 468-3343

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Robert L. Olender \* James A.Koerner

\*not admitted in MD

December 21, 2000

Of Counsel Robert Bennett Lubic\*

#### HAND DELIVERY

Ms. Magalie Roman Salas Secretary Federal Communications Commission The Portals, TW-A325 445 Twelfth Street, S.W. Washington, D.C. 20554

Re:

MM Docket No. 99-58

RM-9461 RM-9611

Strattanville and Farmington Township, PA

Dear Ms. Salas:

Transmitted herewith, on behalf of Strattan Broadcasting, Inc., are an original and four copies of its Petition for Reconsideration of the Report and Order in the abovereferenced proceeding.

Should further information be desired in connection with this matter, please communicate with this office.

Very truly yours

Robert L. Olender

Counsel for

Strattan Broadcasting, Inc.

RLO/mp

Enclosures

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DEC 21 2000

# Before the Federal Communications Commission Washington, D.C. 20554

	PAL COMMERCEATENS COMMISSION
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In the Matter of	)	
Amendment of Section 73.202(b),	)	MM Docket No. 99-58
	)	
FM Table of Allotments,	)	RM-9461
FM Broadcast Stations.	)	RM-9611
(Strattanville and Farmington Township,	)	
Pennsylvania)	)	

To: Chief, Allocation Branch

## PETITION FOR RECONSIDERATION

Strattan Broadcasting, Inc. ("SBI"), through counsel and pursuant to Section
1.429 of the Commission's Rules and Regulations, herein petitions for reconsideration of
the Commission's Report and Order in MM Docket No. 99-58, released December 1,
2000. In support thereof, the following is shown:

1. SBI had originally opposed the Petition for Rule Making filed by West Wind Broadcasting ("WWB") proposing the allotment of Channel 267A at Strattanville, Pennsylvania. SBI's position was that Strattanville, which has a declining population of 490 persons, can not support a new broadcast station. Furthermore, the market place, which is already economically stressed, is barely able to support the existing licensed stations.

- A counterproposal was filed by Clarion County Broadcasting, Inc.
   ("CCBI"), proposing the allotment of Channel 267A at Farmington Township,
   Pennsylvania, in lieu of Strattanville. The Commission, however, instead of comparing the two proposals and choosing one, added channels to <u>both</u> communities -- Channel
   267A at Strattanville and Channel 291A at Farmington Township.
- 3. Therefore, the action by the Commission, resulting in two new allotments, exacerbates the already dire economic conditions in the market, which has nine (9) radio stations already serving both Strattanville and Farmington Township located in Clarion County. Competition for advertising dollars is extremely intense. If the Commission expects existing broadcasters to survive and thrive, they should not treat pleas of dire economic conditions as being not relevant in either a licensing or allotment context.
- 4. There is very little, if any, growth in Strattanville or Farmington

  Township. Strattanville is surrounded by former strip mine sites and has recently been
  the target site for a hazardous waste dump and a battleground over treatment of acid mine
  drainage at two strip mine sites. Farmington Township is home to the county's only
  garbage landfill (County Landfill, Inc.), not the best environment for future retail
  business growth. Clarion County Chamber of Commerce of Business and Industry,
  which is comprised of 476 members, has only seven (7) members from Strattanville and
  seven (7) members from Farmington Township. In Farmington Township's case, some

<sup>&</sup>lt;sup>1</sup> These stations are WMKX, Brookville; WCCR, Clarion; WWCH, Clarion; WDBA, Dubois; WOWQ, Dubois; WDNS, DuBois; WPXC, Punxsutawney. In addition, Clarion University Stations, WCUC and WCCB avert listeners.

are seasonal businesses for nearby Cook Forest State Park. There are just too few

businesses in the market to support two additional stations.

**ACCORDINGLY**, it is time for the Commission to change its policy and give

consideration to these serious, real world economic concerns. The Commission should

reconsider its Report and Order and not add new allocations to communities, which

cannot locally support their existence and strain the limited business resources in the

surrounding communities. If this decision is not changed, the ultimate outcome will be

severely reduced income, which could affect the market stations' ability to provide

programming consistent with the public needs and interests.

Respectfully submitted,

STRATTAN BROADCASTING, INC.

By:

Robert L. Olender

Its Attorney

Date: December 21, 2000

Koerner & Olender, P.C.

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Suite 124

North Bethesda, MD 20852

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## **CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that a true and correct copy of the foregoing

Petition for Reconsideration was mailed, postage prepaid, this 21<sup>st</sup> day of December,

2000, to the following:

Victor A. Michael, Jr., President West Wind Broadcasting 6807 Foxglove Drive Cheyenne, Wyoming 82009

Frederick A. Polner, Esq. Rothman, Gordon, Foreman & Groudine, P.C. 300 Grant Building Pittsburgh, PA 15219 Counsel for Clarion County Broadcasting, Inc.

Via Hand Delivey to:
Sharon McDonald
Federal Communications Commission
Mass Media Bureau
Room 3-A226
Washington, D.C.

Molly M. Parezo